

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JOSEPH G. PIA, an individual,
Plaintiff,

vs.

SUPERNOVA MEDIA, INC., a New York
corporation, *et al.*,
Defendants.

SUPERNOVA MEDIA, INC., a New York
corporation, *et al.*,

Counterclaimants,

vs.

JOSEPH G. PIA,
Counterclaim Defendant.

SUPERNOVA MEDIA, INC., a New York
corporation, *et al.*,

Third-Party Plaintiffs,

vs.

BENNETT TUELLER JOHNSON &
DEERE, LLC, a Utah limited liability
company, *et al.*,

Third Party Defendants.

ORDER and MEMORANDUM
DECISION

Case No. 2:09-cv-840 CW

Now before the court are a motion by Plaintiff/Counterdefendant Joseph G. Pia to dismiss (Dkt. No. 38) and a motion by Defendants/Counterclaimants Supernova Media Inc., Julianne Michelle, Joycelyn Engle and Joseph Di Palma for a preliminary injunction (Dkt. No.44).

For the reasons set forth on the record of the hearing on this matter held on February 25, 2011, the court ORDERS as follows:

Mr. Pia's motion to dismiss is GRANTED without prejudice on the fiduciary duty claims. Counterclaimants may amend their counterclaim. Mr. Pia's motion is DENIED without prejudice as to all other counterclaims.

Counterclaimants' motion for a preliminary injunction is DENIED. Nonetheless, Mr. Pia has stipulated, and the court has ORDERED, that Mr. Pia will not to take any action or direct any action as to the film at issue here until he is allowed to do so in this action. The court further ORDERS that if any party Mr. Pia then represents is to take any action with respect to the film, Mr. Pia shall give the Counterclaimants 10 days notice prior to such action taking effect.

DATED this 28th day of February, 2011.

BY THE COURT:



Clark Waddoups
United States District Court Judge